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Letter dated 17 April 2003 from the Deputy Permanent Representative of Pakistan to the United Nations addressed to the Chairman of the Committee

Kindly refer to your fax message dated 4 March 2003.

I am enclosing the report of Pakistan prepared in pursuance of Security Council resolution 1455 (2003), in accordance with the guidelines issued by the Committee (see annex).

(*Signed*) Masood **Khalid**
Deputy Permanent Representative

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Annex to the letter dated 17 April 2003 from the Deputy Permanent Representative of Pakistan to the United Nations addressed to the Chairman of the Committee

Report of Pakistan to the 1267 Committee on implementation of United Nations Security Council resolution 1455 (2003)

I. Introduction

1. *Please provide a description of activities, if any, by Osama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.*

Answer

Pakistan is a key member of the international coalition against terrorism. A sizable number of Pakistan's security forces are deployed along the border with Afghanistan to prevent the infiltration of Al-Qaida, Taliban and their associates into Pakistan territory. A large number of the personnel of our security forces have lost their lives in the operations against the terrorists. The effectiveness of Pakistan's counter-terrorism measures is evident from the fact that over 500 terrorist suspects have been apprehended by Pakistan's law enforcement agencies since 11 September 2001. In view of the clear and strong commitment of the government of Pakistan to combat terrorism and the strong measures taken to apprehend and bring to justice any terrorists found in Pakistan, the possibilities of any "activities" in Pakistan by Osama Bin Laden, Al-Qaida, the Taliban and their associates are almost non-existent. The possibilities of isolated instances of infiltrations across the long and porous border cannot be ruled out, but the success of the operations against the terrorists in order to bring them to justice is serving as a very strong deterrent against such attempts by the terrorists and their associates.

The Al-Qaida network in Afghanistan has since been dismantled and the terrorists are on the run. The Taliban regime has been replaced by a dispensation under the Bonn Agreement. Neither Al-Qaida, nor the Taliban retain any organized force or a command and control structure. Therefore, Al-Qaida, Taliban and their associates no longer pose any major threat to Pakistan or the region. There is, however, a continuing threat of terrorist activities by splinter groups. This threat is also likely to subside with the passage of time, as the situation in Afghanistan improves further and the anti-terrorism measures in Pakistan are further strengthened.

This, however, does not imply any lowering of guard. Being a victim of international terrorism, Pakistan has a vested interest in maintaining the vigil against terrorism in a robust manner. Besides the measures at the national level, this requires close coordination under UN auspices at the international level, which, in general terms, is forthcoming.

II. Consolidated List

2. *How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?*

Answer

Action against the individuals and entities contained in the 1267 Committee List is taken under the legal umbrella of Anti-Terrorism Act of 1997, which was amended in August 2001. The existing framework provides ample cover for actions in accordance with the relevant UN resolutions and other anti-terrorism instruments. Nevertheless, the anti-terrorism legal framework

is under a process of constant review with a view to making it more effective and bringing it up to the international standards and in conformity with the requirements of the relevant U.N. resolutions and other instruments.

The mechanism of the dissemination of the 1267 Committee List among all the authorities concerned is now well streamlined. All concerned authorities throughout the country and abroad have access to the List through Internet as well as through the national mechanism. All information concerning the 1267 Committee List is received in the National Focal Point, established in the Ministry of Foreign Affairs, headed by Additional Foreign Secretary in charge of United Nations Affairs. Advice for necessary action is issued immediately to all concerned including the Ministry of Finance and the Ministry of Interior. The two Ministries in turn issue necessary advice to their subordinate authorities namely the police, immigration, banking and non-banking institutions, customs and consular offices, etc. Necessary advice is also relayed by the National Focal Point in the Ministry of Foreign Affairs simultaneously to the State Bank of Pakistan for issuance of necessary administrative orders to the banking and non-banking institutions.

3. *Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.*

Answer

In some cases, detailed particulars are not given in the List. This has been causing difficulties in identification of individuals.

4. *Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.*

Answer

Pakistan law enforcement agencies have so far apprehended about 500 terrorism suspects, including high profile Al-Qaida activists like Ramzi Bin Al-Shaiba, Khalid Sheikh Muhammad and Abu Yasir Al-Jaziri. Some of the individuals referred to above are being dealt with in accordance with the law within the country and others have since been extradited.

5. *Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.*

Answer

This matter is being examined in consultation with the concerned authorities.

6. *Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.*

Answer

Yes. M/S Al Rashid Trust has filed a petition against freezing of its assets with the Sindh High Court (the high court of the southern province of Sindh). The government is defending the

case. The petition is still under consideration of the court. The Monitoring Group has been requested to provide evidence/information in support of the freezing of accounts of Al Rashid Trust in order to strengthen the case in the court.

7. *Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.*

Answer

This matter is being examined in consultation with the authorities concerned.

8. *According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.*

Answer

There are no Al-Qaida training camps in Pakistan territory. Al-Qaida is a banned organization in Pakistan. Recruitment of individuals, providing support in any other form or establishing training camps would lead to action under the law. Strict punishments have been prescribed in the Anti Terrorism Act for membership of and giving support to or cooperating with terrorist entities in any form. Activities such as fund raising, directing the activities, printing/publishing and dissemination of material by or on behalf of terrorist entities are banned. It is also not allowed to carry out any kind of training in firearms, explosives, chemical or biological weapons.

III. Financial and Economic Asset Freeze

9. *Please describe briefly:*

- *The domestic legal basis to implement the asset freeze required by the resolutions above;*
- *Any impediments under your domestic law in this context and steps taken to address them.*

Answer

The State Bank of Pakistan (SBP) issues directives/ advisories to banks/Non-banking financial institutions (NBFIs) for freezing of accounts in compliance with UN Security Council resolutions. All banks and NBFIs are advised to confirm compliance with the instructions of SBP. Any bank/NBFI found violating the regulations, rules of business and directives is penalized. Violations may also lead to calling of explanation from the Chief Executive/President of banks/NBFIs and initiation of administrative and legal action against violators.

Anti Terrorism Act 1997

Measures to be taken against a proscribed organization under the Anti Terrorism Act 1997 include:

(a) Its office, if any, shall be sealed;

(b) Its accounts, if any, shall be frozen.
(c) The proscribed organization shall submit all accounts of its income and expenditure and disclose all funding sources to the competent authority designated by the Federal Government.

The Anti Terrorism Act 1997 contains the following provisions for provisional seizure of assets likely to be used in the commission of offences relating to terrorism and its financing:

Section 11 O:

An officer authorized by the Provincial Government in this behalf, hereinafter referred to as the "authorized officer", may seize and detain any cash recovered, if he has reasonable grounds for suspecting that:

(a) it is intended to be used for the purposes of terrorism;
(b) it forms the whole or part of the resources of a proscribed organization, and includes any cash which is applied or made available, or is to be applied or made available for use by the organization whether being imported into, or exported from, Pakistan; or
(c) it is terrorist property within the meaning given in section 2 (aa):

Provided that any cash seized under this section shall be released not later than the end of the period of 48 hours, beginning with the time when it is seized, unless an application has been made to the court under section II P and an order has been obtained for its detention for a further period.

Section 11 P:

Allows the authorized officer to obtain an order from the court for further detention of the cash pending completion of an investigation of its origin or derivation.

Legislation and procedure for forfeiture of assets

The Anti Terrorism Act 1997 contains the following provisions for forfeiture of assets after the conviction of an offence relating to terrorism:

Section 11 Q:

(1) The Court by or before which a person is convicted of an offence under any of the sections 11H to 11M may make a forfeiture order in accordance with the provisions of this section.

(2) Where a person is convicted of an offence under section 11 H (1) or (2) or section 11-I, the Court may order the forfeiture of any money or other property:

(a) which, at the time of offence he had in his possession or under his control; and
(b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.

(3) Where a person has been convicted under Section 11 H(3), the court may order the forfeiture of any money or other property:

(a) which, at the time of the offence, he had in his possession or under his control, and
(b) which, at the time he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(4) Where a person is convicted of an offence under section 11J, the court may order the forfeiture of the money or other property:

(a) to which the arrangement in question related;
(b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(5) Where a person is convicted of an offence under section 11K, the court may order the forfeiture of the money or other property to which the arrangement in question related.

(6) Where a person is convicted of an offence under any of the sections 11H to 11K, the Court may order forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

Impediments: No specific impediments have been reported by the concerned authorities so far.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama Bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

Answer

The following legislation and procedures exist for monitoring of suspicious monetary transactions.

(I) Prudential Regulations of the State Bank of Pakistan. The State Bank Prudential Regulations, issued under section 41 of Banking Companies Ordinance of 1962, have the force of law. Prudential Regulation XII requires banks to monitor suspicious financial transactions as follows:

(a) Before extending banking services, banks shall make reasonable efforts to determine the true identity of customers. Particular care should be taken to identify ownership of all accounts and those using safe-custody facilities. Effective procedures should be instituted for obtaining identification from new customers. An explicit policy should be devised to ensure that significant business transactions are not conducted with customers who fail to provide evidence of their identity.
(b) Banks shall ensure that banking business is conducted in conformity with high ethical standards and that banking laws and regulations are adhered to. Banks should not set out to offer service or provide assistance in transactions,

which in their opinion are associated with money derived from illegal activities.

(c) Specific procedures be established for ascertaining customer's status and his source of earnings, for monitoring of accounts on a regular basis, for checking identities and bona fides of remitters and beneficiaries, for retaining internal record of transactions for future reference. The transactions which are out of character with the normal operation of the account involving heavy deposits/withdrawals/transfers should be viewed with suspicion and properly investigated.

(d) For an effective implementation of banks' policy and procedures, suitable training be imparted to members of staff and they be informed of their responsibilities in this regard.

(e) Banks may make arrangements for setting up an Internal Audit System in order to establish an effective means of testing/checking and compliance with the bank policy and procedures established by it.

(II) Rule of Business 22 outlines guidelines to NBFIs for preventing money laundering activities and other unlawful trades by establishing procedures for ascertaining status and source of earnings of the customers and regular monitoring of accounts and suspicious transactions.

(III) The Anti Money Laundering law aims at setting up a National Financial Intelligence Centre (NFIC), which will be headed by a Director General, appointed by the President of Pakistan. It will operate under the general supervision of the Minister of Finance. NFIC will exercise independent decision-making authority on day to day matters and will have the following functions:

- Act as an intermediary/buffer between the financial institutions, which will be required to file Suspicious Activity Reports (SAR) and the police who will be investigating the report.
- Once the NFIC receives an SAR from the banks and other financial institutions it will collect other information from the government as necessary to determine whether the SAR should be turned over to the Federal Investigation Agency (FIA), National Accountability Bureau (NAB) or Anti Narcotics Force (ANF), for further investigation.
- NFIC will have the authority to share and receive information from other financial intelligence units around the world.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama Bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any 'due diligence' or 'know your customer' requirements. Please indicate how these requirements are enforced, including the name and activities of agencies responsible for oversight.

Answer

As explained in response to question No.10 above. Revised and more stringent "Know Your Customer" guidelines have recently been circulated by the State Bank of Pakistan.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been

frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- *Identification (s) of the person or entities whose assets have been frozen;*
- *A description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);*
- *The value of assets frozen.*

Answer

A detailed statement is attached at annex-1.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

Answer

None reported by the concerned authorities so far.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities .This section should include a description of:

- *The methodology, if any, used to in force banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.*
- *Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.*
- *Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.*
- *Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.*
- *Restrictions or regulations, if any, applicable to alternate remittance systems such as – or similar to – "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.*

Answer

The following legal provisions exist in Pakistan for suppressing the financing of terrorism:

Anti-Terrorism Act 1997

- Section 2(aa) gives a definition of "terrorist property"
- Section 11E(2) requires proscribed organization to submit all accounts of its income and expenditure for its political and social welfare activities and disclose all funding sources to the competent authority designated by the Federal Government.
- Section 11 F(5) makes it an offence for a person to solicit, collect or raise funds for a proscribed organization.
- Section 11 H to 11 K specifically criminalize various forms of terrorism financing, including directly and indirectly, inciting others to finance and aiding and abetting.

Section 11 H:

(1) A person commits an offence if he:
(a) invites another to provide money or other property;
(b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purpose of terrorism;

(2) A person commits an offence if he:
(a) receives money or other property;
(b) intends that it should be used , or has reasonable cause to suspect that it may be used for the purposes of terrorism.

(3) A person commits an offence if he:

(a) provides money or other property;
(b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

Section 11 I

A person commits an offence if:

(1) he uses money or other property for the purposes of terrorism; or
(2) he: (a) possesses money or other property; and (b) intends that it should be used, or has reasonable cause to suspect that it may be used for the purposes of terrorism.

Section 11J

A person commits an offence if he:

(a) enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another; and
(b) has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

Section 11 K

(1) A person commits an offence if he enters into or becomes concerned in any arrangement which facilitates the retention or control, by or on behalf of another person, of terrorist property:

(a) by concealment;
(b) by removal from the jurisdiction;
(c) by transfer to nominees; or
(d) in any other way.

(2) It is a defense for a person charged with an offence under sub-section (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

Methodology:

The State Bank of Pakistan, on the directive of the Ministry of Finance, issues directives/ advisories to banks/Non-banking financial institutions (NBFIs) for freezing of accounts in compliance with UN Security Council resolutions. All banks and NBFIs are advised to confirm compliance with the instructions of SBP.

STR:

The proposed law on Anti Money Laundering aims at setting up a National Financial Intelligence Centre (NFIC), which will be headed by a Director General, appointed by the President of Pakistan. It will operate under the general supervision of the Minister of Finance. NFIC will exercise independent decision-making authority on day to day matters and will have the following functions:

- Act as an intermediary/buffer between the financial institutions, which will be required to file Suspicious Activity Reports (SAR) and the police who will be investigating the report.
- Once the NFIC receives an SAR from the banks and other financial institutions it will collect other information from the government as necessary to determine whether the SAR should be turned over to the Federal Investigation Agency (FIA), the National Accountability Bureau (NAB) or the Anti Narcotics Force (ANF), for further investigation.
- NFIC will have the authority to share and receive information from other financial intelligence units around the world.

Alternative Money Transfer Agencies/ "Hawala" System

Inward/outward remittances allowed only through Authorized Dealers or Exchange Companies. A draft Ordinance to amend the Foreign Exchange Regulation Act 1947 is being prepared.

The main objective behind the formulation of Exchange Companies is to provide a proper corporate structure to the money changing business in the country, while ensuring that various types of risks associated with this business are properly addressed. Another objective is to get all money changing and remitting transactions fully documented.

Some of the salient features of the proposed Ordinance are as follows:

- Definition of Exchange Companies.
- Description of Exchange Companies scope of dealings/business.
- Transactions of the Exchange Companies to be fully documented.
- Exchange Companies to report their transactions to State Bank in the form of periodic returns.

IV. Travel ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of Listed individuals (paragraph 1 of resolution 1455 (2002), paragraph 2b of resolution 1390 (2002).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

Answer

The names of the designated individuals/entities have been communicated to all our ports of entry and exit. No person whose name is included in the List can now enter or leave Pakistan without being detected.

Pakistan borders are secured through its Border Security Force, Levies, Anti Narcotics Force, Rangers, Frontier Corps and the Armed Forces. Following the terrorist attacks of 11 September 2001, security measures and border controls along the Pakistan-Afghanistan border have been tightened further. Entry of foreigners is being strictly regulated through visas issued by Pakistan Embassies.

In case of suspicion, foreign nationals arriving in Pakistan are directed to report to nearest Foreigners Registration Office for registration, as provided in the Registration of Foreigners Rules. A stamp to this effect is affixed on their passports. They are also required to obtain exit permit from the Foreigners Registration Office before leaving the country. Such persons are subjected to strict scrutiny at airports at the time of departure.

Special Procedures to deal with persons arriving from Afghanistan

In order to prevent illegal border crossings along the Pakistan-Afghanistan border, Joint Interrogative Teams (JIT) have been set up and Standing Operating Procedures have been instituted. These measures are designed to arrest and detain criminals wanted under national and international law.

In addition to these measures, regular troops have been deployed along the Pakistan-Afghanistan border and air surveillance is being carried out to prevent the entry into Pakistan of any terrorist from Afghanistan.

The Foreigners Act 1946

The provisions of the Foreigners Act of 1946, applicable to all foreigners, are handy tools for dealing with terrorists. Section 3 of the Foreigners Act 1946 empowers the Government to make provisions for prohibiting, regulating or restricting the entry of foreigners into Pakistan, or their departure there from or their presence or continued presence therein. The orders provide that a foreigner:

(a) Shall not enter Pakistan or shall enter Pakistan only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed.

(b) Shall not depart from Pakistan or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed.
(c) Shall not remain in Pakistan or any prescribed area therein.
(d) Shall remove himself to, and remain in, such area in Pakistan as may be prescribed.
(e) Shall comply with such conditions as may be prescribed or specified:
- Requiring him to reside in a particular place.
- Imposing any restriction on his movements.
- Requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified.
- Requiring him to allow his photograph and finger-impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified.
- Requiring him to submit himself to such medical examination by such authority and at such time and place as may be prescribed or specified.
- Prohibiting him from association with persons of a prescribed or specified description.
- Prohibiting him from engaging in activities of a prescribed or specified description.
- Prohibiting him from using or possessing prescribed or specified articles.
- Otherwise regulating his conduct in any such particular way as may be prescribed or specified.

(f) Shall enter into a bond with or without sureties for the due observance of or as an alternative to the enforcement of any of all prescribed or specified restrictions or conditions.
(g) Shall be arrested and, in the interest of the security of Pakistan, detained or confined.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

Answer

Yes. The List is accessible to all concerned authorities at the airports, border check posts, immigration offices, etc.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

Answer

Changes to the List are transmitted to all concerned immediately. All international airports are now equipped with computer systems. There is need for upgrading the system. This would require considerable investment on training of personnel, procurement of equipment and development of infrastructure.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

Answer

Some of terrorist suspects have been arrested while crossing the Western borders.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

Answer

All concerned authorities dealing with consular matters have access to the List, which is not of much help as the terrorists would not like to enter Pakistan using their actual names. Visa issuing authorities have so far not identified any one on the List.

V. Arms Embargo

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Osama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related material of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2© of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Osama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

Answer

Sale and purchase of arms and explosives is strictly regulated in Pakistan. Arms are sold only by authorized dealers to only license holders. Surrender of illicit Arms Act 1991 has been strictly enforced throughout Pakistan. Severe punishments have been prescribed under the Act, which include life imprisonment and confiscation of movable and immovable property. Under this Act, illicit arms include canons, all types of explosive substances, containers, grenades, bombs and shells, fire-arms, rifles, carbines, muskets, shotguns, revolvers, pistols, and appliances used for the silencing of fire-arms. The Act contains provisions of rewards for those who help in the successful recovery of illicit arms.

Pakistan follows most stringent controls over export of arms. The procedures for issuance of arms export license are thorough and fail-proof. In the area of arms trafficking, Pakistan is implementing a serious and long-term programme of de-weaponisation. Eliminating illicit trade in small arms and light weapons is an essential goal of this programme.

As regards WMD, Pakistan is a state party to the Chemical Weapons Convention and the Biological Weapons Convention. These treaties completely prohibit the development, stockpiling, and use of chemical and biological weapons. As a state party, Pakistan is in full compliance of its obligations. Pakistan also supports the provisions on cooperation contained in these treaties.

Pakistan's national authorities concerned implement internationally agreed guidelines for the safety of nuclear materials and facilities. Pakistan has established fail-safe procedures in the area of nuclear materials safety with oversight of highly responsible national organizations.

In view of the non-existence of chemical and biological weapons in Pakistan, the existence of fail-proof safety and control arrangements for Pakistan's nuclear facilities, the stringent control measures governing arms exports, the comprehensive measures taken for curbing arms trafficking and the extraordinary arrangements made for the surveillance of the border with Afghanistan, the possibilities of acquisition of conventional arms and WMD by Al-Qaida, the Taliban and their associates from Pakistani sources are virtually non-existent.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

Answer

Strict action will be taken against violators of the arms embargo under the Anti Terrorism Act, which provides for criminalizing those violating the arms embargo against Osama Bin Laden, members of Al-Qaida and the Taliban, as follows:

- A person commits an offence if he:

  (a) directs, at any level, whilst resident in Pakistan or abroad, activities of an organization concerned with the preparation, instigation or commission of acts of terrorism;
  (b) directs from within the country or abroad, activities connected with the commission, preparation or investigation of acts of terrorism.
- Section 21C makes it an offence to provide or receive training in the making or use of firearms, explosives, or chemical, biological and other weapons and provide or receive training in acts of terrorism.
- Section 21I makes it offence to aid or abet any offence under the Act.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama Bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Answer

Arms licenses are issued after thorough verification by police. If the antecedents of an individual are not verified by the police, he/she is not issued a license. The procedures for issuance of arms export license are thorough and fail-proof. In the area of arms trafficking, Pakistan is implementing a serious and long-term programme of de-weaponisation. Eliminating illicit trade in small arms and light weapons is an essential goal of this programme. Severe punishments have been prescribed under the Act for those violating the law, including life imprisonment and confiscation of movable and immovable property.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Answer

Yes. Sufficient safeguards are available, as explained in response to Questions No.20- 22 above.

VI. Assistance and conclusion

24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

Answer

Pakistan is a developing country and is itself in need of technical assistance. Nevertheless, Pakistan is ready and willing to share its counter terrorism experience with other countries, in accordance with the relevant UN resolutions and on reciprocal basis.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

Answer

The implementation by Pakistan of the Al-Qaida/Taliban sanctions regime is complete in every respect. Financial and technical assistance is required in the contexts of dissemination of information, financial and economic asset freeze, border and immigration control and implementation of the arms embargo, in the areas of training of personnel, acquisition of critical equipment, capacity building and infrastructure development, etc.

26. Please include any additional information you believe pertinent.

Answer

Pakistan has taken wide-ranging measures to combat international terrorism and curb militancy, extremism and sectarianism at home. Sectarian and extremist organizations like Lashkar-e-Jhangvi, Sipah-e-Muhammad, Sipah-e-Sahaba, Tehrik-e-Jafria Pakistan (TJP) and Tehrik-e-Nifaz-e-Shariat Mohammadi (TNSM) have been banned. A comprehensive Madressah Registration Ordinance is being promulgated and steps have been taken to prevent the misuse of mosques for political purposes.

The anti-terrorism drive inside the country to hunt down suspected terrorists has met with great success. About 500 Al-Qaida and other terrorism suspects have been apprehended since 11 September 2001. Arrests of Al-Qaida members Khalid Sheikh Mohammad, Abu Zubaidah and Ramzi bin Alshibh are major achievements in this regard.

Last year Pakistan acceded to the UN Convention on Suppression of Terrorist Bombings and signed the OIC Convention on Combating International Terrorism. We have, thus, signed/ratified eleven out of the twelve UN Conventions and Protocols on terrorism, besides the OIC convention. The remaining conventions are being examined actively.